

Court of Appeals, State of Michigan

ORDER

People of MI v Gerald Duane Lamb

Docket No. 278284

LC No. 06-001318-FC

Richard A. Bandstra
Presiding Judge

Joel P. Hoekstra

Michael R. Smolenski
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal with regard to Issue II, the Court VACATES that portion of the May 9, 2006 judgment of sentence that directs defendant to pay court costs, including attorney fees, and REMANDS this matter to the sentencing court to consider its order directing defendant to reimburse the cost of his court-appointed attorney in light of defendant's current and future financial circumstances and ability to pay. *People v Dunbar*, 264 Mich App 240, 251-256; 690 NW2d 476 (2004). At the court's discretion, the decision may be based on the record without need for a formal evidentiary hearing. If the court decides to order the defendant to pay attorney fees, it shall do so in a separate order, and not the judgment of sentence. *Id.* at 256; *People v Nowicki*, 213 Mich App 383, 386-388; 539 NW2d 590 (1995). In all other respects, the delayed application for leave to appeal and the motion to remand are DENIED for lack of merit in the grounds presented. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 13 2007

Date

Sandra Schultz Mengel
Chief Clerk